

SENATE BILL 1099

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2lr3448
CF HB 1474

By: **Senator Edwards**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 16, 2012

Rules suspended

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: March 24, 2012

CHAPTER _____

1 AN ACT concerning

2 **Allegany County – Sheriff’s Office Employees – Labor Organizations**

3 FOR the purpose of authorizing deputies of the Sheriff’s Office of Allegany County to
4 organize and bargain collectively with the Sheriff of Allegany County through a
5 certain labor organization; authorizing the officers and civilian employees of the
6 Sheriff’s Office of Allegany County to organize and bargain collectively with the
7 Sheriff of Allegany County through a certain labor organization; requiring the
8 Sheriff to meet with certain labor organizations and engage in good faith
9 negotiations to reach separate written agreements with certain labor
10 organizations regarding certain matters; making certain conforming changes;
11 and generally relating to the Sheriff’s Office of Allegany County.

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 2–309(b)(7)
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2011 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 2-309.

2 (b) (7) (i) This subsection does not apply to officers in the Sheriff's
3 Office at a rank of lieutenant or above.

4 (ii) 1. [Deputies, officers, and civilian employees]
5 **DEPUTIES** of the Sheriff's Office, including the Allegany County jail, have the right to
6 organize and bargain collectively with the Sheriff concerning wages and benefits,
7 hours, working conditions, discipline procedures, and job security issues through a
8 labor organization selected by the majority of the [deputies, officers, and civilian
9 employees] **DEPUTIES**.

10 2. **OFFICERS AND CIVILIAN EMPLOYEES OF THE**
11 **SHERIFF'S OFFICE, INCLUDING THE ALLEGANY COUNTY JAIL, HAVE THE RIGHT**
12 **TO ORGANIZE AND BARGAIN COLLECTIVELY WITH THE SHERIFF CONCERNING**
13 **WAGES AND BENEFITS, HOURS, WORKING CONDITIONS, DISCIPLINE**
14 **PROCEDURES, AND JOB SECURITY ISSUES THROUGH A LABOR ORGANIZATION**
15 **SELECTED BY THE MAJORITY OF THE OFFICERS AND CIVILIAN EMPLOYEES.**

16 (iii) The Sheriff shall meet with the labor organization
17 **SELECTED BY THE DEPUTIES AND THE LABOR ORGANIZATION SELECTED BY THE**
18 **OFFICERS AND CIVILIAN EMPLOYEES** and engage in good faith negotiations to reach
19 a **SEPARATE** written agreement **WITH EACH LABOR ORGANIZATION** on **THE** wages
20 and benefits, hours, working conditions, discipline procedures, and job security issues
21 **OF THE EMPLOYEES REPRESENTED BY EACH LABOR ORGANIZATION.**

22 (iv) If [the] A labor organization and the Sheriff are unable to
23 reach an agreement during the collective bargaining process, either the labor
24 organization or the Sheriff may seek nonbinding mediation through the Federal
25 Mediation and Conciliation Service by giving at least 15 days notice to the other party
26 and to the Federal Mediation and Conciliation Service.

27 (v) 1. If the Sheriff and [the] A labor organization are
28 unable to agree to the interpretation or application of a written agreement entered
29 under this subsection, the Sheriff or the labor organization may demand arbitration
30 before a neutral labor arbitrator in accordance with this paragraph.

31 2. An arbitration initiated under this paragraph shall be
32 conducted before a single arbitrator.

33 3. The arbitrator shall be selected to hear the dispute
34 from a panel of seven arbitrators who are members of the National Academy of
35 Arbitrators. The panel shall be requested from the Federal Mediation and Conciliation
36 Service.

1 4. The parties shall select an arbitrator by alternative
2 strikes from the panel.

3 5. The arbitrator selected may schedule a hearing, issue
4 subpoenas to compel the testimony of witnesses and the production of documents,
5 administer oaths, and declare the record closed.

6 6. The written decision of the arbitrator shall be:

7 A. Final and binding on the Sheriff, employee, and the
8 labor organization to the extent the decision addresses wages and benefits; and

9 B. Nonbinding to the extent the decision addresses
10 hours, working conditions, discipline procedures, and job security issues.

11 7. The Sheriff and labor organization shall share equally
12 in the costs of the arbitration proceeding.

13 (vi) This subsection may not be construed to authorize an
14 employee of the Sheriff's Office or of the Allegany County jail to engage in a strike.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2012.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.